

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-CV-509-D

SYNGENTA CROP PROTECTION, LLC,)
)
Plaintiff,)
)
v.)
)
ATTICUS, LLC,)
)
Defendant.)

ORDER

This matter is before the court on Plaintiff's unopposed Motion to Seal certain documents filed in connection with Defendant's Motion to Compel Discovery, which motion has been referred to the undersigned for disposition pursuant to 28 U.S.C. § 636(b)(1)(A) by the Honorable James C. Dever III, United States District Judge.

Plaintiff moves to seal the filings on the ground they "contain sensitive business and technical information concerning Syngenta's confidential agreements with third parties and other Syngenta entities, Syngenta personnel information, Syngenta financial information, and Syngenta's strategy on sales, marketing, generic competition, pricing, the manufacturing and supply of its products, evaluating potential infringement of its patents, and enforcing its patents." (Mot. Seal [DE #86].)

For the reasons set forth in Plaintiff's motion and supporting memorandum, the court finds that the public's common law right of access is outweighed by Plaintiff's interests in protecting against competitive and/or financial harm to Plaintiff were such information made public. *In re Knight Publ'g Co.*, 743 F.2d 231

(4th Cir. 1984). Public notice of Plaintiff's request to seal and a reasonable opportunity to object have been provided by the filing of its motion, and no objections have been filed with the court. Furthermore, Plaintiff has narrowly tailored its request to remove only information that is sensitive and confidential and not otherwise publicly known. Plaintiff's motion is therefore allowed.

CONCLUSION

For the foregoing reasons, it is hereby ORDERED as follows:

1. Plaintiff's Motion to Seal [DE #86] is GRANTED, and the following documents shall be SEALED:

a. Defendant's Memorandum in Support of its Motion to Compel Discovery [DE #74]. A redacted version of this filing is attached as Exhibit 1 to the Declaration of Jeff Cecil [DE #87-2].

b. Declaration of Robert J. Scheffel [DE #76]. A redacted version of this filing is attached as Exhibit 2 to the Declaration of Jeff Cecil [DE #87-3].

c. Exhibit 3 to Declaration of Robert J. Scheffel (Defendant's Second Set of Interrogatories (Nos. 9-10)) [DE #77]. A redacted version of this filing is attached as Exhibit 3 to the Declaration of Jeff Cecil [DE #87-4].

d. Exhibit 4 to Declaration of Robert J. Scheffel (Defendant's Third Set of Interrogatories (Nos. 11-15)) [DE #77-1]. A redacted version of this filing is attached as Exhibit 4 to the Declaration of Jeff Cecil [DE #87-5].

e. Exhibit 28 to Declaration of Robert J. Scheffel (letter from Defendant's counsel to Plaintiff's counsel) [DE #77-10]. A redacted version of this filing is attached as Exhibit 5 to the Declaration of Jeff Cecil [DE #87-6].

f. Plaintiff's Response in Opposition to Defendant's Motion to Compel Discovery [DE #83]. A redacted version of this filing is attached as Exhibit 6 to the Declaration of Jeff Cecil [DE #87-7].

g. Exhibit 17 to Declaration of Robert J. Scheffel (Syngenta Agreements bearing bates SYN_ATTICUS_000000181) [DE #77-3].

h. Exhibit 18 to Declaration of Robert J. Scheffel (Syngenta Report bearing bates SYN_ATTICUS_00285217) [DE #77-4].

i. Exhibit 21 to Declaration of Robert J. Scheffel (email bearing bates SYN_ATTICUS_00284598) [DE #77-6].

j. Exhibit 22 to Declaration of Robert J. Scheffel (email bearing bates SYN_ATTICUS_00292951) [DE #77-7].

k. Exhibit 23 to Declaration of Robert J. Scheffel (email bearing bates SYN_ATTICUS_00296931) [DE #77-8].

l. Exhibit 24 to Declaration of Robert J. Scheffel (Syngenta calendar invite bearing bates SYN_ATTICUS_00194654) [DE #77-9].

m. Exhibit 30 to Declaration of Robert J. Scheffel (Syngenta agreement bearing bates SYN_ATTICUS_00284136) [DE #77-11].

n. Exhibit 31 to Declaration of Robert J. Scheffel (Syngenta agreement bearing bates SYN_ATTICUS_00287740) [DE #77-12].

o. Exhibit A to Declaration of Hari Santhanam (organizational charts bearing bates SYN_ATTICUS_00307743) [DE #85-1].

p. Exhibit D to Declaration of Hari Santhanam (Syngenta report bearing bates SYN_ATTICUS_00298117) [DE #85-2].

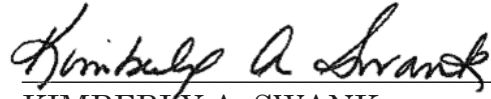
q. Exhibit E to Declaration of Hari Santhanam (Syngenta report bearing bates SYN_ATTICUS_00314445) [DE #85-3].

2. The clerk is directed to UNSEAL the following provisionally sealed documents:

a. Exhibit 7 to Declaration of Robert J. Scheffel (Plaintiff's Objections and Responses to Second Set of Interrogatories (Nos. 9-10 (redacted)) [DE #77-2].

b. Exhibit 20 to to Declaration of Robert J. Scheffel (Plaintiff's Disclosure of Asserted Claims and Preliminary Infringement Contentions (redacted)) [DE #77-5].

This 25th day of June 2021.

A handwritten signature in black ink, reading "Kimberly A. Swank", written over a horizontal line.

KIMBERLY A. SWANK

United States Magistrate Judge